

REMARKS

Claim Status

Upon entry of this amendment, claims 4, 7, 19 and 32 have been amended; claims 1-4 and 6-34 remain pending. It is submitted that no new subject matter has been introduced by the amendments and that the amendments are fully supported by the specification. It should be further understood that the amendments herein have been made to clarify claim language and not to limit or narrow the scope of the claims, and thus, they should not be interpreted as narrowing claim amendments.

35 USC 102 Rejection

Claims 1-3 are rejected under 35 USC 102(b) as being anticipated by Annapareddy et al. (U.S. Pat. No. 5,717,862). For at least the reason(s) set forth below, Applicants respectfully traverse the foregoing rejection.

With respect to claim 1, it was alleged that Annapareddy discloses a node that maintains information on the status of each message. The Examiner concludes that the step of keeping track of the amount of data sent to a message destination is inherent in the step of maintaining information on message status. Applicants respectfully traverse the foregoing conclusion. "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference,' *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999), *see also* MPEP 2112. Maintaining information on the status of each message is not the same as and does not necessarily mean that the step of tracking the amount of data sent to a message destination is performed. Message status information for each message may be maintained without necessarily keeping track of the amount of data sent to a message destination at each route point. In one case, status information is maintained for a message; in the other case, amount of data from messages destined for the message destination is tracked. One function does not necessarily include the other. Therefore, the feature(s) as recited in claim 1 are patentable over the cited art.

Claims 2-3 depend either directly or indirectly from claim 1 and thus at least derive their patentability therefrom. Without conceding the patentability issues raised independently with respect to claims 2-3 and in the interest of expediting allowance of this application, Applicants respectfully submit that claims 2-3 are also patentable over the cited art.

35 USC 103 Rejection

Claim 4 is rejected under 35 USC 103(a) as being unpatentable over Annapareddy in view of Jolly et al. and further in view of Bush. Claim 4 depends from claim 1 and thus at least derives its patentability therefrom. Notwithstanding the foregoing, claim 4, on its own, is also patentable over the cited art. It was alleged that Jolly teaches that a copy of the message is stored in an archive. A review of Jolly does not support the foregoing allegation. Based on the Examiner's interpretation, any intermediate node may be an archive because the intermediate node has to store a message before such message is sent. However, Jolly does not disclose or suggest using a node for archival purposes, i.e., for purposes of retaining messages for subsequent retrieval after the messages have been delivered. A more detailed review of the cited excerpt shows that the intermediate node in Jolly only temporarily stores the message and hence does not store the message for archival purposes. As the cited excerpt shows, the message may be briefly stored in one or more intermediate nodes. "The nodes have only a finite capacity to store messages and the links have a finite carrying capacity. Consequently, if a link is fully loaded a message may have to be stored at an intermediate node while it waits for a space on such a link." The foregoing shows that if there is capacity on the link, the message will be forwarded promptly and will not be stored at the intermediate node at all. Furthermore, once the message is sent, there is no disclosure or suggestion that a copy of the message will be retained at the intermediate node for archival purposes. In fact, retaining an archival copy would be contrary to the teaching as shown in the cited excerpt; retaining an archival copy would consume more storage space on the intermediate node and hence decreases bandwidth and performance.

It was also alleged that Bush would have suggested retaining a copy of a message in an archive after it has been forwarded to the message destination. Further review of Bush does not support the foregoing allegation. Bush discloses retaining a copy of a one-time pad that is employed to encrypt the bytes of a source data packet. The one-time pad is not analogous to messages that are frequently transmitted from source to destination. There is no disclosure or suggestion that a copy of a message is retained in an archive associated with a route point after the message has been forwarded to the message destination. Therefore, combining Annapareddy, Jolly and Bush would not have resulted in the invention as recited in claim 4. Thus, claim 4 is patentable over the cited art.

Claims 7, 10-19 and 24-28 are rejected under 35 USC 103(a) as being unpatentable over Annapareddy in view of Jolly et al. (GB 1427319).

Claim 7 is rejected on the basis that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Annapareddy in view of Jolly so as to store messages at each node. The same rationale and arguments set forth above in connection with claim 4 apply to claim 7 with equal force. Furthermore, claim 7 has been amended to include the limitation that the amount of data sent to a message destination is tracked at each route point. The same rationale and arguments set forth above in connection with claim 1 apply to claim 7 with equal force. Hence, Applicants respectfully submit that claim 7 is also patentable over the cited art.

Claims 10-18 depends either directly or indirectly from claim 7 and thus at least derive their patentability therefrom. Without conceding the patentability issues raised independently with respect to claims 10-18 and in the interest of expediting allowance of this application, Applicants respectfully submit that claims 10-18 are also patentable over the cited art.

Claim 19 is rejected on the basis that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Annapareddy in view of Jolly so as to store messages at each node. The same rationale and arguments set forth above in connection with claims 1, 4 and 7 apply to claim 19 with equal force. Hence, Applicants respectfully submit that claim 19 is also patentable over the cited art.

Claims 24-28 depends either directly or indirectly from claim 19 and thus at least derive their patentability therefrom. Without conceding the patentability issues raised independently with respect to these claims and in the interest of expediting allowance of this application, Applicants respectfully submit that claims 24-28 are also patentable over the cited art.

Claim 6 is rejected under 35 USC 103(a) as being unpatentable over Annapareddy in view of Sleeper (U.S. Pat. No. 6,401,074). Claim 6 depends from claim 1 and thus at least derives its patentability therefrom. Without conceding the patentability issue raised independently with respect to claim 6 and in the interest of expediting allowance of this application, Applicants respectfully submit that claim 6 is also patentable over the cited art.

Claim 8-9, 20-21 and 23 are rejected under 35 USC 103(a) as being unpatentable over Annapareddy in view of Jolly et al. and further in view of Hanzek (U.S. Pat. No. 6,645,726).

Claims 8-9 depend either directly or indirectly from claim 7 and thus at least derive their patentability therefrom. Without conceding the patentability issues raised independently with

respect to claims 8-9 and in the interest of expediting allowance of this application, Applicants respectfully submit that claims 8-9 are also patentable over the cited art.

Claims 20-21 and 23 depend either directly or indirectly from claim 19 and thus at least derive their patentability therefrom. Without conceding the patentability issues raised independently with respect to claims 20-21 and 23 and in the interest of expediting allowance of this application, Applicants respectfully submit that claims 20-21 and 23 are also patentable over the cited art.

Claim 22 is rejected under 35 USC 103(a) as being unpatentable over Annapareddy in view of Jolly et al., further in view of Hanzek, and further in view of Sleeper. Claim 22 depends indirectly from claim 19 and thus at least derives its patentability therefrom. Without conceding the patentability issue raised independently with respect to claim 22 and in the interest of expediting allowance of this application, Applicants respectfully submit that claim 22 is also patentable over the cited art.

Claims 29-31 are rejected under 35 USC 103(a) as being unpatentable over Annapareddy in view of Jolly et al., and further in view of De Vos et al. (U.S. Pat. No. 6,240,552). Claims 29-31 depend either directly or indirectly from claim 19 and thus at least derive their patentability therefrom. Without conceding the patentability issues raised independently with respect to claims 29-31 and in the interest of expediting allowance of this application, Applicants respectfully submit that claims 29-31 are also patentable over the cited art.

Claim 32-34 are rejected under 35 USC 103(a) as being unpatentable over Annapareddy in view of Sleeper, further in view of Jolly et al. and further in view of De Vos et al. With respect to claim 32, the same rationale and arguments set forth above in connection with claims 1, 4, 7 and 19 apply to claim 32 with equal force. Furthermore, Sleeper does not disclose or suggest a number of connectors each coupled by a network to at least a pair of route points. The cited excerpt in Sleeper merely shows a PRS messenger packaging events received from a POS system into messages that the PRS messenger queues to a message queue. In addition, De Vos does not disclose or suggest a means for acquiring an envelope from either route points or a distributed database. De Vos merely shows delivery storage medium unit for retrieving data from only one source. Hence, Applicants respectfully submit that claim 32 is also patentable over the cited art.

Claims 33-34 depend either directly or indirectly from claim 32 and thus at least derive their patentability therefrom. Without conceding the patentability issues raised independently with

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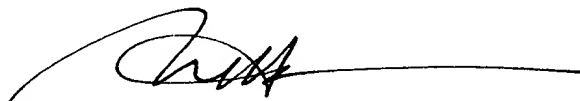
respect to claims 33-34 and in the interest of expediting allowance of this application, Applicants respectfully submit that claims 33-34 are also patentable over the cited art.

Conclusion

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at the telephone number provided below.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read 'H. Ng', followed by a long horizontal line extending to the right.

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